UNITED
NATIONS

Framework Convention on
Climate Change

Distr.
GENERAL

FCCC/AGBM/1996/5
23 April 1996

Original: ENGLISH

AD HOC GROUP ON THE BERLIN MANDATE
Third session
Geneva, 5 - 8 March 1996

REPORT OF THE AD HOC GROUP ON THE BERLIN MANDATE ON THE WORK OF ITS THIRD SESSION, HELD AT GENEVA FROM 5 TO 8 MARCH 1996

CONTENTS

		Paragraphs	Page
I.	OPENING OF THE SESSION (Agenda item 1)	1 - 3	3
II.	ORGANIZATIONAL MATTERS (Agenda item 2)	4 - 12	3
	A. Adoption of the agenda	4	3
	B. Organization of the work of the session	5 - 8	4
	C. Organization of the work of future sessions	9 - 10	5
	D. Attendance	11	5
	E. Documentation	12	5

GE.96-61168

		Paragraphs	Page
III.	ELECTION OF OFFICERS OTHER THAN THE CHAIRMAN (Agenda item 3)	13 - 17	5
IV.	STRENGTHENING THE COMMITMENTS IN ARTICLE 4.2(A) AND (B) (Agenda item 4)	18 - 50	6
	A. Inputs from the subsidiary bodies	18 - 24	6
	B. Policies and measures	25 - 37	8
	C. Quantified emission limitation and reduction objectives within specified time-frames	38 - 50	10
V.	CONTINUING TO ADVANCE THE IMPLEMENTATION OF ARTICLE 4.1 (Agenda item 5)	51 - 57	13
VI.	POSSIBLE FEATURES OF A PROTOCOL OR ANOTHER LEGAL INSTRUMENT (Agenda item 6)	58 - 66	14
VII.	REPORT ON THE SESSION (Agenda item 7)	67 - 68	15

Annexes

I.	Lists of attendance	17
II.	Documents before the Ad Hoc Group on the Berlin Mandate at its third session	21

I. OPENING OF THE SESSION
(Agenda item 1)

1. The third session of the Ad Hoc Group on the Berlin Mandate (hereinafter referred to as "the AGBM") was held at Geneva from 5 to 8 March 1996. The session was convened in accordance with the schedule confirmed at the first session (FCCC/AGBM/1995/2, para. 15).

2. The Chairman of the AGBM, Ambassador Raúl Estrada-Oyuela, opened the session at the 1st meeting, on 5 March 1996. He stated that 154 States had ratified the United Nations Framework Convention on Climate Change (UNFCCC) and indicated that this was a clear testimony to the increasing commitment by the international community to the Convention. He further underlined that the third session would benefit from the inputs of the Subsidiary Body for Scientific and Technological Advice (SBSTA), the Subsidiary Body for Implementation (SBI) and the Intergovernmental Panel on Climate Change (IPCC). He added that the AGBM would also benefit from the results of two informal workshops, one on policies and measures and one on quantified emission limitation and reduction objectives (QELROs). He expressed his intention to overcome obstacles, avoid procedural traps and facilitate the way forward to fulfilling the Berlin Mandate.

3. The Executive Secretary welcomed all participants to the session. Referring to the presentation to the SBSTA of the Second Assessment Report of the IPCC, he observed that the future stabilization of global greenhouse gas emissions implied the redistribution of those emissions in response to the need for sustainable development in developing countries. The establishment of QELROs would have to take this into account. He urged delegations to evaluate carefully the utility of any major new documents that may be requested, bearing in mind that only two months were available for the secretariat to prepare documents for the fourth session. He added that, as work proceeded on the Berlin Mandate, it was the input of Parties and not that of the secretariat which was increasingly vital.

II. ORGANIZATIONAL MATTERS
(Agenda item 2)

A. Adoption of the agenda
(Agenda item 2 (a))

4. The AGBM, at its 1st meeting, on 5 March, adopted the following agenda:

1. Opening of the session.

2. Organizational matters:

   (a) Adoption of the agenda;

(b) Organization of the work of the session;

(c) Organization of the work of future sessions.

3. Election of officers other than the Chairman.

4. Strengthening the commitments in Article 4.2 (a) and (b):

(a) Inputs from the subsidiary bodies;

(b) Policies and measures;

(c) Quantified emission limitation and reduction objectives within specified time-frames.

5. Continuing to advance the implementation of Article 4.1.

6. Possible features of a protocol or another legal instrument.

7. Report on the session.

B. Organization of the work of the session
(Agenda item 2 (b))

5. At the 1st meeting, on 5 March, the Chairman recalled that there would be services available for one morning and one afternoon meeting with interpretation from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. The AGBM agreed to proceed on the basis of the proposed schedule of work contained in annex II of document FCCC/AGBM/1996/1/Add.1.

6. On the subject of applications for accreditation to sessions of the subsidiary bodies of the Convention, the AGBM agreed to admit new applicant organizations that had been screened by the secretariat, on the basis of the provisions of Article 7.6 of the Convention, without prejudice to subsequent action by the Conference of the Parties (COP).

7. Further, the Chairman recalled that non-governmental organizations would be admitted to the floor before and after meetings only.

8. The AGBM, at its second session, had decided to convene informal workshops on policies and measures and quantified emission limitation and reduction objectives, in conjunction with the third session (see FCCC/AGBM/1995/7, paras. 29 and 38). The workshop on quantified objectives was held on Wednesday, 28 February 1996 and the workshop on policies and measures on 4 and 5 March 1996.

C. Organization of the work of future sessions
(Agenda item 2 (c))

9. At the 1st meeting of the AGBM, on 5 March, the Chairman reported on the results of the deliberations by the Bureau of the COP on the schedule of meetings of Convention bodies. Future sessions of the AGBM will be as follows:

fourth session	during COP 2, 8-19 July 1996	Geneva
fifth session	9-13 December 1996	Geneva
sixth session	3-7 March 1997	Bonn
seventh session	3rd quarter 1997	Bonn
COP 3/eighth session	4th quarter 1997	(to be determined)

The representative of Japan made a statement regarding the current situation of his Government's offer to host the third, or a subsequent, session of the COP.

10. At its sixth meeting on 8 March, the AGBM requested the secretariat to prepare, for consideration at the fourth session, a compilation of proposals made to date or received by the secretariat no later than 15 April 1996 pertaining to:

(a) The treatment of quantified emission limitation and reduction objectives and polices and measures in a protocol or another legal instrument;

(b) Continuing to advance the implementation of Article 4.1; and

(c) Possible features of a protocol or another legal instrument.

D. Attendance

11. The lists of attendance at the third session of the AGBM are given in annex I.

E. Documentation

12. The documents before the AGBM at its third session are listed in annex II.

III. ELECTION OF OFFICERS OTHER THAN THE CHAIRMAN
(Agenda item 3)

13. At the 1st meeting, on 5 March, the Chairman reported on his consultations with regional groups in respect of nominations for the Bureau of the AGBM. He recalled that he had been authorized by the COP at its first session to undertake such consultations and

indicated that the results of his consultations had, until then, been inconclusive. He stated that four of the five regional groups had agreed to the formula he had proposed at the second session. This formula comprised two Vice-Chairmen, with one serving also as Rapporteur, and the Chairmen of the SBSTA and the SBI as ex-officio members. Six "advisers" would be invited by the Chairman to participate in Bureau meetings on an equal footing with the elected and ex-officio members. The Chairman indicated that one regional group was not yet in a position to accept the proposal.

14. The Chairman recalled that there was consensus that one of the Vice-Chairmen should come from the Western European and Others Group and that this group had submitted a nomination some time before. In view of the general support for the nomination, and without prejudice to the election of the second Vice-Chairman at the earliest opportunity, he proposed that the Group elect Mr. Daniel Reifsnyder (United States of America) as one of its Vice-Chairmen. It was so decided.

15. The Chairman invited a representative group of delegates to assist him as "ad interim advisers", until consultations on the nominations for the second Vice-Chairman and the advisers were concluded.

16. At its 2nd meeting, on 6 March, the AGBM elected Mr. Suphavit Piamphongsant (Thailand) as Vice-Chairman of the AGBM.

17. The process of designating advisers who would be invited by the Chairman to participate in Bureau meetings on an equal footing with the elected and ex-officio members was completed.

IV. STRENGTHENING THE COMMITMENTS IN ARTICLE 4.2 (A) AND (B)
(Agenda item 4)

A. Inputs from the subsidiary bodies
(Agenda item 4 (a))

1. Proceedings

18. At its 1st meeting, on 5 March, the AGBM considered the inputs from the subsidiary bodies. Statements were made by the Chairmen of the SBSTA, the SBI and the IPCC.

19. In his statement, the Chairman of the SBSTA highlighted four items of relevance to the AGBM. First, with regard to the Second Assessment Report of the IPCC, he noted that the SBSTA had commended the report to all Convention bodies. In this context, he noted that some delegations had highlighted a number of the IPCC's conclusions, including that atmospheric concentrations of greenhouse gases and aerosols were increasing largely because of human activities, and that the balance of evidence suggested a discernible human influence

on climate, while others pointed to areas of uncertainty and opposed selecting particular conclusions (see FCCC/SBSTA/1996/8). He mentioned that the SBSTA would continue its consideration of the Second Assessment Report, and had also concluded on a list of items on which the IPCC would provide input to the SBSTA. Secondly, based on the SBSTA's conclusions on communications from Annex I Parties, he reiterated that the latter would have to make additional efforts beyond those included in projections in order to fulfil their aim of returning greenhouse gas emissions to 1990 levels by 2000 (see FCCC/SBSTA/1996/8). Further information would be available for the next session of the AGBM in the form of the second compilation and synthesis of information from Annex I Party communications. Thirdly, he noted that the SBSTA would resume consideration of the item on non-Annex I Party communications, at its next session, considering the position paper of the Group of 77 and China regarding communications from non-Annex I Parties as the principal basis. Finally, he added that while much information on technology exists, further work on technology inventory and assessment would be undertaken.

20. The Chairman of the SBI drew the attention of the AGBM to the conclusions of the SBI (see FCCC/SBI/1996/9) and especially those that referred to the need for Annex I Parties to make additional efforts beyond those included in projections in order to return emissions to base year levels by 2000. He added that further discussion in the SBI on communications from non-Annex I Parties would be suspended until the guidelines had been refined and agreed upon.

21. Professor Bert Bolin, Chairman of the IPCC, referred to his earlier statement to the SBSTA on the Second Assessment Report and offered some supplementary observations. He explained the inputs that contributed to the IPCC's conclusion that there is a discernible human influence on climate. While referring to the scientific uncertainties mentioned in the IPCC report, he noted that it would be proper to take into account in the policy debate the entire range of such uncertainties, from their lower to their upper bounds. In this context, he referred to the SBSTA's request to the IPCC to prepare a technical paper that would examine a large variety of emissions profiles for all greenhouse gases and which would be ready for the fifth session of the AGBM. He cited the IPCC conclusion that a number of "no-regrets" opportunities were available that could result in a 10 to 30 per cent reduction in emissions at little or no cost and that there was sufficient rationale for action beyond "no regrets". A prudent strategy addressing mitigation, adaptation and research, which could be adjusted over time, was needed. The IPCC could, if requested, provide, by the fifth session, a technical paper on possible policies and measures. Furthermore, he reiterated that the IPCC does not recommend specific measures. He concluded by stating that the economies of all countries could benefit from the implementation of policies and measures to mitigate climate change.

22. Statements were also made by representatives of six Parties, including one speaking on behalf of the Alliance of Small Island States (AOSIS) and another speaking on behalf of the European Community and its member States.

2. Conclusions

23. On the basis of a proposal by the Chairman, the AGBM, at its 6th meeting, on 8 March, adopted the following conclusions.

24. The AGBM expressed its appreciation to the Chairmen of the SBSTA and the SBI and to the Chairman of the IPCC for their statements. Many Parties underlined the importance of the Second Assessment Report of the IPCC as a significant input to the AGBM process and drew attention to the key conclusions highlighted by Professor Bolin. Some Parties considered it premature to draw conclusions and pointed to scientific uncertainties. In addition, some specific elements from the conclusions of the subsidiary bodies pertaining to communications from Annex I Parties and the related emissions projections, as well as to technology inventory were also reiterated.

B. Policies and measures
(Agenda item 4 (b))

1. Proceedings

25. The AGBM considered sub-item 4 (b) at its 3rd and 4th meetings, on 6 and 7 March. The Group had before it document FCCC/AGBM/1996/2 prepared by the secretariat. Statements were made by representatives of 24 Parties including one speaking on behalf of the European Community and its member States, and another speaking on behalf of the Alliance of Small Island States (AOSIS). Statements were also made by representatives of two States not parties to the Convention.

26. The Chairman of the workshop on policies and measures, Mr. Chow Kok Kee (Malaysia), reported on the results of the workshop at the 3rd meeting of the AGBM, on 6 March. The Chairman of the Annex I Experts Group on the UNFCCC, Mr. Douglas Russell (Canada), made a progress report on the work of that group.

2. Conclusions

27. On the basis of a proposal by the Chairman, the AGBM, at its 6th meeting, on 8 March, adopted the following conclusions.

28. The AGBM continued its analysis and assessment of possible policies and measures as provided for in paragraph 4 of decision 1/CP.1 (the Berlin Mandate)*. The informal workshop on this matter was considered to be useful. The AGBM expressed its appreciation

---

* For decisions adopted by the Conference of the Parties at its first session, see document FCCC/CP/1995/7/Add.1.

to the Parties and organizations that had made presentations and to the participants for their contributions to the discussion.

29. The AGBM took note of the progress report from the Annex I Experts Group and looked forward to receiving their first detailed analysis before COP 2. It also took note of the substantive contribution received from the European Community.

30. The Berlin Mandate provides that the AGBM will elaborate policies and measures in the context of its work to strengthen the commitments contained in Article 4.2 (a) and (b) through the adoption of a protocol or another legal instrument. In the context of the analysis and assessment, the AGBM considered two general orientations to the elaboration of policies and measures:

(a) Some Parties favoured a "menu approach", according to which the eventual instrument would include an agreed detailed listing (or menu) of possible policies and measures, from which Annex I Parties would be committed to select those that best suited their national circumstances. It could be accompanied by appropriate reporting procedures.

(b) Some Parties favoured an approach that would categorize policies and measures in annexes to a protocol according to the degree to which Annex I Parties would be committed to implement and coordinate them. Others suggested focusing on selected categories of, or priority, policies and measures.

31. There were differing views on the need for, and level of, international harmonization. The need to better understand possible methods for categorizing policies and measures, as well as the modalities surrounding possible common measures, was recognized.

32. In this context, a number of Parties made proposals for such policies and measures, with frequent mentions of cross-sectoral economic instruments and the removal of subsidies and market distortions; policies and measures on renewable energy, transportation and energy efficiency; and action on non-CO_2 greenhouse gases such as fluorocarbons and SF_6.

33. A number of Parties referred to the need for a coordination mechanism, as proposed in the AOSIS protocol proposal, or to a mechanism or process to review regularly policies and measures.

34. Many delegations stressed the need for analysis of the socio-economic and environmental impacts of policies and measures on non-Annex I Parties, and expressed the view that policies and measures should conform with provisions of the international trading system and not constitute new barriers to trade.

35. New ideas raised included, inter alia, the concept of specific performance targets for policies and measures and target values to improve energy efficiency.

36. The AGBM looked forward to a more focused discussion on policies and measures at the fourth session and, to this end, welcomed the Chairman's offer to convene informal round tables during that session on specific points related to policies and measures, taking account of the interdependence between such policies and measures and QELROs. All delegates and observers were encouraged strongly to attend and participate in these discussions.

37. The AGBM requested the IPCC to prepare a technical paper on possible policies and measures, taking account of document FCCC/AGBM/1996/2, for consideration at the fifth session of AGBM.

C. Quantified emission limitation and reduction objectives within specified time-frames

(Agenda item 4 (c))

1. Proceedings

38. The AGBM considered sub-item 4 (c) at its 2nd and 3rd meetings, on 6 March. Statements were made by representatives of 26 Parties including one speaking on behalf of the European Community and its member States, one speaking on behalf of the Group of 77 and China, and another speaking on behalf of the Alliance of Small Island States (AOSIS). Statements were also made by representatives of two States not parties to the Convention.

39. At the 2nd meeting of the AGBM on 6 March, a report on the results of the workshop on quantified emission limitation and reduction objectives (QELROs) was given on behalf of the workshop Chairman, Dr. Pascale Morand Francis (Switzerland).

2. Conclusions

40. On the basis of a proposal by the Chairman, the AGBM, at its 6th meeting, on 8 March, adopted the following conclusions.

41. In considering quantified emission limitation and reduction objectives (QELROs), the AGBM underlined the interdependence between such objectives and the elaboration of policies and measures. Some Parties stressed that the AGBM should focus its efforts on an agreement of QELROs as a first priority. Many Parties pointed to the Second Assessment Report as a key input to the process of setting QELROs, while some considered this to be premature. In this context, there was a proposal by some delegations that levels of atmospheric CO_2 concentrations lower than 550 ppm should guide limitation and reduction efforts.

42. Other Parties stressed the importance of designing QELROs in the context of a safe emissions corridor based on IPCC assessments with regard to absolute temperature rise, sea level rise and rates of temperature rise.

43. The informal workshop on QELROs was seen as useful. The AGBM expressed its appreciation to the Parties and organizations that had made presentations and to the participants for their contributions to the discussion.

44. The discussion of this item moved the process forward by laying out more clearly the range of QELROs options and variations, including the following:

(a) The AOSIS protocol proposal (a 20 per cent reduction in CO_2 emissions by 2005 with reference to 1990) was supported by several Parties;

(b) Several Parties supported a proposal for a 10 per cent reduction in CO_2 emissions by 2005 and a 15-20 per cent reduction by 2010, both against the base year of 1990;

(c) Some Parties supported a uniform national emission objective; others proposed setting differentiated objectives;

(d) Some Parties expressed opposition to the use of hypothetical future levels of emissions, as opposed to actual observed levels, as a basis for determining objectives;

(e) Some Parties advocated a comprehensive, multi-gas approach; others advocated a gas-by-gas approach;

(f) Other options mentioned included:

(i) The setting of collective objectives for Annex I Parties (for example, for Annex I Parties as a group; for OECD Parties as a group, and for non-OECD Parties as a group), while acknowledging distributional complexities;

(ii) A separate agreement for some Parties with economies in transition;

(iii) The concepts of cumulative emissions and emissions budgets, possibly including some mechanism for banking;

(iv) The concept of safe emissions corridors;

(v) Creating incentives for early action; and

(vi) The proposals included in document FCCC/AGBM/1995/4.

45. With regard to time-frames, it was agreed that those mentioned in the Berlin Mandate (such as 2005, 2010, 2020) were appropriate and relevant for setting objectives, particularly some combinations of years. Some Parties emphasized short- and medium-term goals (2005 and 2010) to promote early action, while recognizing that a longer-term perspective could complement these. Other Parties, while noting the utility of shorter-term milestones, were more inclined to a longer time-horizon to optimize investment decisions.

46. Concerns were raised about the risk of delaying emission reductions in view of environmental impacts, the time needed to implement technological changes and potentially high costs.

47. There was a range of views on issues related to equity and differentiation among Annex I Parties. Some Parties strongly supported these concepts as a means to ensure economically and environmentally effective new commitments, while respecting national circumstances. They offered suggestions for differentiation criteria and rules, including economic, geographical and demographic factors. Other Parties opposed the concept of differentiation among Annex I Parties, particularly in view of the difficulties in elaborating details. Still others underlined that equity among all Parties was more important.

48. Economic and cost issues were discussed in considerable detail. The importance of minimizing costs in achieving objectives was agreed. Some Parties pointed to available IPCC conclusions about cost-effective solutions, such as those that make use of efficient replacement investments in the context of the normal capital stock turnover. Some Parties emphasized the possible role of flexibility regarding when and where reductions would be made. Others expressed concern about this concept pointing out that the concept of "flexibility in place", if it extends beyond the territories of Annex I Parties, is inconsistent with the Berlin Mandate. Some Parties argued such costs would be very high, especially for developing countries, and called for socio-economic analysis of impacts on developing countries in the context of agreeing on QELROs.

49. Several Parties pointed to the need for monitoring mechanisms in order to review periodically effectiveness and make adjustments. There was also a suggestion about the development of performance indicators.

50. The AGBM looked forward to a more focused discussion on QELROs issues at the fourth session and to this end welcomed the Chairman's offer to convene informal round tables during that session on specific points related to QELROs. All delegates and observers were strongly encouraged to attend and participate in these discussions.

V. CONTINUING TO ADVANCE THE IMPLEMENTATION OF ARTICLE 4.1
(Agenda item 5)

1. Proceedings

51. The AGBM considered agenda item 5 at its 4th and 5th meetings, on 7 March. Statements were made by representatives of 13 Parties, including one speaking on behalf of the Group of 77 and China, and another speaking on behalf of the European Community and its member States.

2. Conclusions

52. On the basis of a proposal by the Chairman, the AGBM, at its 6th meeting, on 8 March, adopted the following conclusions.

53. The Chairman of the Group of 77 and China referred to the position paper on recommendations on guidelines and format for the preparation of initial communications from non-Annex I Parties (FCCC/SB/1996/MISC.1/Add.1), and thanked the experts who participated in the workshop on communications from non-Annex I Parties. There was general support for the organization and usefulness of such workshops.

54. The Chairman of the Group of 77 and China, speaking on behalf of the Group of 77 and China, emphasized that the focus of the Berlin Mandate was to strengthen the commitments of the Parties included in Annex I as contained in Article 4.2 (a) and (b), in accordance with Article 4.2 (d). Many Parties stressed that by formally presenting the position paper by the Group of 77 and China on initial communications from non-Annex I Parties, the implementation of their existing commitments in Article 4.1 had been sufficiently advanced, and that the relationship between the commitments of non-Annex I Parties and the provision of financial resources and transfer of technology, in accordance with Article 4.3, 4.5 and 4.7, must be taken fully into account.

55. Several Annex I Parties welcomed the steps taken towards the preparation of national communications by non-Annex I Parties, which they considered as an essential basis for advancing the implementation of existing commitments under Article 4.1. Some of these Parties indicated that all Parties should make further efforts to advance the implementation of Article 4.1 and, in particular, to develop strategies for the mitigation of climate change as a key element of sustainable development. These Parties pointed to the mitigation and adaptation options contained in the Second Assessment Report of the IPCC, the ongoing work on technology transfer and cooperation, and the programmes for endogenous capacity building, exchange of information and training as facilitating further actions by non-Annex I Parties under Article 4.1.

56. The AGBM noted the relevant conclusions of the SBSTA and the SBI (see FCCC/SBSTA/1996/8 and FCCC/SBI/1996/9, respectively).

57. The AGBM noted the intention of non-Annex I Parties to convene a workshop, as a follow-up to the earlier one, to address issues relating to initial communications from non-Annex I Parties, and requested the secretariat to facilitate assistance to the Parties in this regard, in accordance with Article 8.2.

VI. POSSIBLE FEATURES OF A PROTOCOL OR ANOTHER LEGAL INSTRUMENT
(Agenda item 6)

1. Proceedings

58. The AGBM considered this matter at its 1st and 5th meetings, on 5 and 7 March. The Group had before it two documents, FCCC/AGBM/1996/4 and FCCC/AGBM/1996/MISC.1. Statements were made by the representatives of 16 Parties, including one speaking on behalf of the European Community and its member States, one speaking on behalf of the Group of 77 and China, and another on behalf of the Alliance of Small Island States (AOSIS). A statement was also made on behalf of environmental non-governmental organizations.

2. Conclusions

59. On the basis of a proposal by the Chairman, the AGBM, at its 6th meeting, on 8 March, adopted the following conclusions.

60. The AGBM agreed on the need to avoid the proliferation of new bodies under an amendment or protocol. It stressed the Convention provisions and the importance of institutional economy in this regard. It was preliminarily agreed that most of the existing institutions under the Convention could serve either an amendment or a protocol. For example, the secretariat could serve in either case. It was suggested that the report by the secretariat to the fourth session could examine practical ways in which the secretariat and the subsidiary bodies established under the Convention could assume additional duties arising from an amendment or protocol.

61. Several Parties queried the need for the establishment of a separate Conference of the Parties and a separate Bureau to serve a protocol. Many agreed that the decision-making processes under both an amendment and a protocol would need to take into account differing memberships. In this regard, the need for coordination and policy coherence between the Convention and any legal instrument to be adopted was stressed. It was suggested that the report to be prepared for the fourth session should review cases where the adoption of protocols or related legal instruments has not led to the establishment of separate Conferences of the Parties, as well as review decision-making mechanisms in agreements having established several regimes.

62. Many Parties stated that only a legally binding instrument would meet the requirements of the Berlin Mandate. It was mentioned that, in addition to an amendment or protocol, other legally binding instruments, such as subsidiary agreements and a completely separate legal instrument, could be explored by the AGBM. Some Parties reminded the Group that the legal instrument should not seek to establish a comprehensive regime but should focus on the strengthening of a specific area of the Convention, namely, Article 4.2 (a) and (b). The possibility of concluding decisions, resolutions, declarations and guidelines, in addition to, but not in place of, a legally binding instrument, was also mentioned.

63. Many Parties stated their preference for a protocol. Many others stressed the importance of awaiting further developments on the scope and nature of the commitments to be agreed upon before deciding on the form of the instrument. Some Parties stated that although they had chosen neither an amendment nor a protocol as the definitive option, the adoption and operation of an amendment could prove less complex than a protocol. They also noted that an amendment might be a more viable option considering the lack of consensus on the rules of procedure of the COP. In this regard, the urgency of the COP adopting its rules of procedure at its second session was stressed.

64. One delegation stressed the need for the legal instrument chosen to have the capacity to evolve in the light of future development of commitments beyond the Berlin Mandate. It also considered that the chosen legal instrument should be able to take into account new scientific evidence; to reflect regional approaches on the basis of regional scenarios, progress achieved and other relevant socio-economic data; as well as to reflect such information in the evolving commitments.

65. Several delegations stressed the importance of the communication and review of information under an amendment or protocol. Many delegations stated that the multilateral consultative process that is being considered by the Ad Hoc Group on Article 13 should, if established by the COP, be applicable to a protocol. Consideration would need to be given to how the AGBM would ensure that such a process, or a different one, would apply to a protocol.

66. The AGBM looked forward to a continuation of its consideration of these and other issues in the light of the secretariat report to be prepared for the Group at its fourth session.

VII. REPORT ON THE SESSION
(Agenda item 7)

67. At the sixth meeting, on 8 March, the Chairman presented the first part of the draft report of the session (FCCC/AGBM/1996/L.1). The AGBM considered and adopted the

document and also requested the Chairman, with the assistance of the secretariat, to complete the report, taking into account the discussions of the Group, the conclusions on agenda items 2, 3, 4, 5 and 6 and the need for editorial adjustments.

68. The Chairman, after thanking all participants for their constructive cooperation, declared the third session of the AGBM closed.

Annex I

LISTS OF ATTENDANCE

1. The third session of the AGBM was attended by representatives of the following 123 Parties to the United Nations Framework Convention on Climate Change:

Albania
Algeria
Antigua and Barbuda
Argentina
Armenia
Australia
Austria
Azerbaijan
Bangladesh
Benin
Bhutan
Bolivia
Botswana
Brazil
Bulgaria
Burkina Faso
Cameroon
Canada
Central African Republic
Chile
China
Colombia
Comoros
Cook Islands
Costa Rica
Cuba
Czech Republic
Denmark
Democratic People's Republic of Korea
Ecuador
Egypt
Eritrea
Estonia
Ethiopia
European Community
Fiji
Finland
France
Gambia
Georgia
Germany
Ghana
Greece
Grenada
Guinea
Guyana
Honduras
Hungary
Iceland
India
Indonesia
Ireland
Italy
Jamaica
Japan
Jordan
Kenya
Kuwait
Lao People's Democratic Republic
Latvia
Lebanon
Lesotho
Luxembourg
Malaysia
Malawi
Maldives
Mali
Malta
Marshall Islands
Mauritania
Mauritius
Mexico
Micronesia (Federated States of)
Monaco
Mongolia
Myanmar
Nepal
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway
Pakistan
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Republic of Korea
Republic of Moldova
Romania
Russian Federation
Saint Lucia
Samoa
Saudi Arabia
Senegal
Sierra Leone
Slovakia
Slovenia
Solomon Islands
Spain
Sri Lanka
Sudan
Sweden
Switzerland

Thailand
Togo
Trinidad and Tobago
Tunisia
Uganda
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay
Uzbekistan
Vanuatu
Venezuela
Viet Nam
Zaire
Zambia
Zimbabwe

2. The session was also attended by observers from the following States not parties to the Convention:

Afghanistan
Angola
Belgium
Cambodia
Iran (Islamic Republic of)
Libyan Arab Jamahiriya
Morocco
South Africa
Syrian Arab Republic
Turkey

3. The following United Nations offices and programmes were represented:

Economic Commission for Europe (ECE)
United Nations Conference on Trade and Development (UNCTAD)
United Nations Environment Programme (UNEP)
United Nations Institute for Training and Research (UNITAR)

4. The following specialized agencies of the United Nations and related organizations were represented:

Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (IOC/UNESCO)
World Meteorological Organization (WMO)
United Nations Industrial Development Organization (UNIDO)
International Atomic Energy Agency (IAEA)
World Trade Organization (WTO)
Global Environment Facility (GEF)
WMO/UNEP Intergovernmental Panel on Climate Change (IPCC)

5. The following intergovernmental and non-governmental organizations were represented:

Intergovernmental organizations:

Agence de coopération culturelle et technique (ACCT)
Institut international du froid
International Energy Agency (IEA)
Organisation for Economic Co-operation and Development (OECD)
Organisation of Arab Petroleum Exporting Countries (OAPEC)
South Pacific Regional Environment Programme (SPREP)

Non-governmental organizations:

Alliance for Responsible Atmospheric Policy / Arlington, USA
Alliance for Responsible Environmental Alternatives (AREA) / Ottawa, Canada
Association française du froid/Alliance froid climatisation environnement / Paris, France
Business Council for a Sustainable Energy Future / Washington D.C., USA
Canadian Electricity Association / Ottawa, Canada
Catholic University of Nijmegen - Department of Environmental Policy Sciences / Nijmegen, The Netherlands
Centre for International Climate and Energy Research (CICERO) / Oslo, Norway
Centre for Business and the Environment / London, UK
Climate Network Africa / Nairobi, Kenya
Climate Action Network Latin America (CANLA) / Santiago, Chile
Climate Action Network UK / London, UK
Climate Action Network South East Asia / Quezon City, Philippines
Climate Network Europe / Brussels, Belgium
Edison Electric Institute / Washington D.C., USA
*Energy 21 / Boulogne, France
Environmental Defense Fund / Washington D.C., USA
Foundation for International Environmental Law and Development / London, UK
Forschungszentrum (Research Centre) / Jülich, Germany
Germanwatch / Bonn, Germany
Global Climate Coalition / Washington D.C., USA
Global Industrial and Social Progress Research Institute / Tokyo, Japan
Greenpeace International / Amsterdam, Netherlands
Industrial Technology Research Institute (ITRI) / Taiwan, Province of China
Institut de recherche sur l'environnement / La Roche sur Foron, France
International Academy of the Environment / Geneva, Switzerland
International Chamber of Commerce / Paris, France
International Climate Change Partnership / Arlington, USA
International Council of Environmental Law / Bonn, Germany
International Council for Local Environmental Initiatives (ICLEI) / Toronto, Canada
*International Institute for Energy Conservation - Europe / London, UK
International Petroleum Industry Environmental Conservation Association / London, UK
International Project for Sustainable Energy Paths (IPSEP) / El Cerrito, USA
International Society on Optics within Life Sciences / Münster, Germany
National Coal Association / Washington D.C., USA
Natural Resources Defense Council / Washington D.C., USA

---

* Non-governmental organization provisionally admitted

New Energy and Industrial Technology Development Organization (NEDO) / Tokyo, Japan
National Association of Regulatory Utility Commissioners / Washington D.C., USA
Rainforest ReGeneration Institute / Washington D.C., USA
The Royal Institute of International Affairs (RIIA) / London, UK
Stockholm Environment Institute / Stockholm, Sweden
Tata Energy Research Institute / New Delhi, India
The Climate Council / Washington D.C., USA
*The Fridtjof Nansen Institute / Lysaker, Norway
The Woods Hole Research Center / Woods Hole, USA
Union Internationale des Producteurs et Distributeurs d'Energie Electrique (UNIPEDE) / Paris, France
United Mine Workers of America / Washington D.C., USA
University of Tübingen - Center for International Relations / Tübingen, Germany
US Climate Action Network (CAN-USA) / Washington D.C., USA
Verification Technology Information Centre (VERTIC) / London, UK
World Business Council for Sustainable Development / Geneva, Switzerland
World Council of Churches / Geneva, Switzerland
World Coal Institute / London, UK
World Energy Council / London, UK
Wuppertal Institute for Climate, Environment and Energy / Wuppertal, Germany
World Wide Fund for Nature / Gland, Switzerland

Annex II

DOCUMENTS BEFORE THE AD HOC GROUP ON THE BERLIN MANDATE AT ITS THIRD SESSION

FCCC/AGBM/1996/1	Provisional agenda and annotations
FCCC/AGBM/1996/1/Add.1	Annotations to the provisional agenda
FCCC/AGBM/1996/2	Strengthening the commitments in Article 4.2 (a) and (b): policies and measures
FCCC/AGBM/1996/3	Annotated compilation of information relevant to the Berlin Mandate process
FCCC/AGBM/1996/4	Possible features of a protocol or another legal note: institutional issues
FCCC/AGBM/1996/MISC.1	Implementation of the Berlin Mandate: comments from Parties
FCCC/AGBM/1996/L.1	Draft report of the Ad Hoc Group on the Berlin Mandate on its third session

- - - - -